

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Civ. Act. No. 05-697 (SLR)
v.)	
)	
BE&K ENGINEERING COMPANY)	
(SUBSIDIARY OF BE & K, INC.),)	
)	
Defendants.)	
_____)	

**MOTION TO ALLOW EEOC ATTORNEY TO
APPEAR WITHOUT LOCAL COUNSEL**

Pursuant to D. Del. L.R. 83.5, the United States respectfully moves this Court for an Order allowing Equal Employment Opportunity Commission (“EEOC”) Attorney, Woody Anglade, to appear before this Court without the necessity of associating with local counsel. Additionally, the United States requests that Mr. Anglade be provided with an electronic filing password so that he can remotely file pleadings with this Court. In support of this motion, the United States provides the following:

1. The EEOC has independent litigating authority, derived from 42 U.S.C. §§ 2000e-4(b)(1) & (b)(2), for private enforcement suits brought by the EEOC under 42 U.S.C. §§ 2000e-5 & 6. The EEOC has designated Woody Anglade as lead counsel for this matter. Mr. Anglade has been admitted in this case to practice before this Court *pro hac vice*.

2. Local Rule 83.5 of this Court requires that an attorney such as Mr. Anglade, who has not been admitted to practice by the Supreme Court of Delaware, associate with a member of the bar of this Court who maintains an office in the District of Delaware. D. Del. L.R. 83.5. As set forth below, Mr. Anglade is an experienced attorney who has appeared before this Court *pro hac*

vice in other matters. He also routinely appears before other District Courts without the necessity of associating with AUSAs. Accordingly, requiring that AUSAs review and sign pleadings drafted by the EEOC, and appear at hearings at which Mr. Anglade will be the lead attorney, will amount to a duplication of effort. Such a duplication of effort by government attorneys will result in an unnecessary expenditure of public funds for little, or no, public gain. Of note, the District Courts in all of the jurisdictions surrounding this District allow government attorneys such as Mr. Anglade to appear without association of local counsel. See E.D.Pa. Local Rule 83.5(e), 83.5.2; Md. Local Rule 701(1)(b); N.J. Local Rule 101.1(f).¹ Accordingly, the United States respectfully requests that, in this particular case, the Court waive the local counsel requirement of Local Rule 83.5.

3. In this case, EEOC attorney, Woody Anglade, has already been admitted to this Court *pro hac vice*. As such, he has submitted to the disciplinary jurisdiction of this Court, and has certified that he is generally familiar with this Court's Local Rules.

4. Additionally, Mr. Anglade is an able and competent attorney. Woody Anglade graduated from Rutgers Camden School of Law in 1999, where he was a state constitutional law editor on the Rutgers Law Journal and the President of the Rutgers Black Law Student's Association his final year. Upon graduation, Mr. Anglade went to Washington, D.C. to serve as Democratic Counsel to the Subcommittee on Employer-Employee Relations in the House of Representatives Education and Workforce Committee, where his areas of concentration included labor, healthcare and pension issues. Mr. Anglade then served as the Chief of Staff to U.S.

¹ The New Jersey Local Rule allows out-of-town government attorneys to appear, but requires service upon the local United States Attorney. However, with the advent of electronic filing, the availability of local service is no longer relevant.

Congressman Robert E. Andrews (D-NJ-01) for approximately three years, in which he managed three Congressional offices and oversaw the Congressman's press, legislative, constituent relations and administrative operations. In 2003, he served as law clerk to the Honorable U.S. Magistrate Ann Marie Donio in the District Court of New Jersey. After the Clerkship, he worked as an associate in the Litigation Department of White and Williams LLP in Westmont, New Jersey until accepting a position with the Equal Employment Opportunity Commission ("EEOC").

Mr. Anglade joined the EEOC as a Trial Attorney in the Philadelphia District Office in March 2004. As a Trial Attorney, Mr. Anglade conducts litigation on behalf of the EEOC under four federal statutes, seeking relief for victims of discrimination in the workplace on the basis of their race, color, religion, gender, national origin, age and disability. Mr. Anglade is a member of the New Jersey Bar. His responsibilities at the EEOC include, but are not limited to, filing complaints, taking and defending depositions, preparing and answering written discovery, attending conferences, arguing motions and settling cases. To date, Mr. Anglade has taken 18 depositions and defended 7. Further, he has been admitted *pro hac vice* in the District of Delaware for the following cases: *EEOC v. Ryder Integrated Logistics, et al.*, Civil Action No. 04-195 (JJF); and *EEOC v. Kmart*, Civil Action No. 04-1315 (GMS). Both cases have settled. Additionally, Mr. Anglade has filed a joint final pretrial order and prepared numerous other trial related documents.

5. Undersigned counsel has communicated with counsel for BE& K Engineering concerning the subject of this motion and she stated that she has no objection.

Accordingly, for the reasons set forth above, the United States respectfully requests that

EEOC Attorney, Woody Anglade, be allowed to appear before this Court without local counsel and that, for this case only, he be provided with an electronic filing password so that he can remotely file pleadings with this Court. A proposed order is attached hereto.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

/S/

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November 2005, I electronically filed the attached MOTION TO ALLOW EEOC ATTORNEY TO APPEAR WITHOUT LOCAL COUNSEL with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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EQUAL EMPLOYMENT OPPORTUNITY)	
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BE&K ENGINEERING COMPANY)	
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Defendants.)	
_____)	

ORDER

UPON CONSIDERATION of the United States' motion to allow EEOC Attorney, Woody Anglade, to appear without local counsel, the reasons stated therein, the lack of any opposition thereto, and the entire record herein, it is the ____ day of _____, 2005 hereby

ORDERED that the United States' motion should be and it hereby is granted; and it is, FURTHER ORDERED that, for this matter only, Local Rule 83.5(d) is waived, and EEOC Attorney, Woody Anglade, is not required to associate with local counsel nor is the United States Attorney's Office required to sign pleadings nor attend proceedings with him; and it is,

FURTHER ORDERED that, for this case only, the Clerk's Office provide EEOC Attorney, Woody Anglade, with an Electronic Filing Log-In and Password so that he may file pleadings in this Court without the participation of the United States Attorney's Office.

UNITED STATES DISTRICT JUDGE